

Florence, New Jersey 08518-2323  
April 17, 2006

The Regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Vice Chairman O'Hara called the meeting to order at 7:33 P.M. followed by a salute to the flag.

Vice Chairman O'Hara then read the following statement: "I would like to announce that the meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present;

Councilman John Fratinardo (LATE)	Phillip F. Stockhaus III
Thomas Napolitan	Gene DeAngelis
Dennis A. O'Hara	Sean Ryan
John T. Smith	

ABSENT: Chairperson Mildred Hamilton-Wood  
Mayor Michael J. Muchowski  
Planner Carl Hintz

ALSO PRESENT: Solicitor Nancy T. Abbott  
Engineer Doug Traver (substitute for Engineer Morris)

## RESOLUTIONS

**Resolution PB-2006-16**  
**Deeming incomplete the application of James and Maria Tomosi for Minor**  
**Subdivision approval with bulk variances for Block 106, Lot 2.02, located in the RA**  
**Low Density Residential District.**

Motion of Napolitan, seconded by Stockhaus to approve Resolution PB-2006-16.

Upon roll call the Board voted as follows:

YEAS:	Napolitan, Stockhaus, Ryan, DeAngelis
NOES:	None
ABSENT:	Fratinardo, Hamilton-Wood, Muchowski

**Resolution PB-2006-17**  
**Granting Final Major Subdivision approval to Atlantic Equity Olive Street, LLC,**  
**for Block 147.01, Lot 1 located in an AA Active Adult Residential District.**

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Motion of DeAngelis, seconded by Ryan to approve resolution PB-2006-17

Upon roll call the Board voted as follows:

YEAS: Napolitan, Stockhaus, DeAngelis, Ryan

NOES: None

ABSENT: Fratinardo, Hamilton-Wood, Muchowski

#### MINUTES

Motion of DeAngelis, seconded by Napolitan to approve the minutes of the regular meeting of March 20, 2006 as submitted. Motion unanimously approved by all members present.

#### CORRESPONDENCE

#### OLD BUSINESS

Vice Chairman O'Hara called for application PB#2006-04 for James and Maria Tomosi. Applicant is requesting Minor Subdivision approval for property located on Wallace Avenue and Seventh Street, Block 106, Lot 2.02, located in an RA Low Density Residential District.

The applicant was not in attendance. Vice Chairman O'Hara tabled the application. He then asked if there was anyone in the audience for that application. Seeing none the Board moved to New Business.

#### NEW BUSINESS

Vice Chairman O'Hara called for application PB#2006-06 for Frank Scamperino. Applicant is requesting Minor Subdivision and Preliminary and Final Major Site Plan approval for construction of a 15,500 square foot retail center and a 2,000 square foot financial institution on property located at Route 130 and Harkins Drive, Block 159, Lot 5.02.

Robert Sexton, attorney for the applicant greeted the Board. Solicitor Abbott stated that the application was scheduled for a completeness hearing only. She stated that there was one waiver requested and a number of items that the applicant states are not applicable to the application.

Solicitor Abbott stated that the Board needed to make a determination as to whether or not waivers can be granted and the application deemed complete.

Councilman Fratinardo arrived at 7:40 P.M.

Attorney Sexton referred to the Planners report dated April 4, 2006. He stated that he had spoken with Planner Hintz (who was not in attendance) earlier in the day and Planner Hintz had indicated that he had no objection to the determination of completeness subject to these items being submitted later.

Attorney Sexton stated that he would go through page 2 of the Planner's report regarding the completeness of the application. He stated that Item 47D the Environmental Impact Statement has been provided. Item 47E Wetlands Delineation has also been supplied. Item 48A the survey has been submitted. He stated that Planner Kate Fullerton had these items but had received them after she wrote the report. Item 48B the locator map will be corrected to scale. Items 48C the applicant is requesting a waiver for all structures and wooded areas within 100' to be shown on the plan. Item 48K the tax map sheet will be added to the plan. Item 49E stated that the site plan did not include a certificate from the owner giving the applicant the authority to act as an agent. This has been supplied to the Board Clerk. Items 49M and 49N requests lot lines and information for Block 160.01, Lots 11.01, 4 and 11.02. These are the two Totten properties and one other property that are across Route 130 from the proposed site. The applicant did not provide this information on the plan. They would like this waived, but will add this to the plan if the Board requires it. Item 49T direction of water flow on the side of the road opposite the site. Attorney Sexton stated that there is a drainage plan and stormwater management plan. The applicant would like a waiver on this item. Item 49U the zoning district is shown on the plan. Item 49W the owner of the easements will be provided. Item 49KK the copy of the title will be submitted. Item 49LL test borings were done and are in the Stormwater Management report. Item 52C, 52H and 52O relate to a proposal for a sign. Attorney Sexton stated that they did not show this on the plan because they did not know where the Board would want the sign located. The applicant will be happy to show the sign detail on the plan but would like some input from the Board. The building elevation will be submitted. Solicitor Abbott stated that these would have to be submission waivers. Item 52I the lot coverage will be supplied as requested. Item 52P the site triangles will be added to the plan. Item 52R Attorney Sexton stated that he was not sure what the requirements of the Building and Use plan were.

Attorney Sexton stated that in regards to the Municipal Service and Utilities Impact Statement, he did not know what this was either. There was no form to fill out for this. Member Smith stated that this is whether water tie in, sewage hook-up and trash pick up would be required. Attorney Sexton stated that they have submitted the Environmental Impact Statement and the Stormwater Management report that had been submitted. He stated that he did not think that a Municipal Services and Utilities Impact report had been submitted. Solicitor Abbott asked if the applicant would be requesting waivers from this requirement. Attorney Sexton said that there was no form to fill out for the Municipal Services/Utilities Impact report and they did not know what information was required.

Vice Chairman O'Hara asked if the applicant had received the memo from David Lebak, Director of Water and Sewer? Attorney Sexton indicated that they had received this.

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Vice Chairman O'Hara stated that there were a large number of waivers requested. He asked if the Board Engineer had any comments regarding the number of waivers?

Engineer Traver stated that his office had not prepared a report for this application yet because it had been deemed incomplete. He stated that there were a large number of waivers requested.

Solicitor Abbott stated that section 91A-41 of the Landuse Code had a detailed checklist for submission requirements for major site plan. The Building and Use plan is indicated in this section of the ordinance as the Facilities Plan. The following section indicates the 8 items that have to be submitted as the Municipal Service and Utilities Impact Statement.

Vice Chairman O'Hara asked if any Board Members were concerned with the amount of waivers. Attorney Sexton stated that there really weren't that many waivers requested. He stated that waivers were requested from showing structures and wooded areas on the site, lot lines on properties across Route 130 from the site, direction of water flow on the side of the road opposite the subdivision. Some items had not been provided at the time of the report, but had been subsequently provided. The other items can be added.

Engineer Traver stated that there were too many outstanding issues and thinks that the application should remain incomplete at this time.

Attorney Sexton stated that he had provided all the items to the Board office. He said that in deference to the applicant there has been sufficient time for the Board's Professionals to review the application. He stated for the record that in a phone conversation this afternoon Planner Hintz had indicated that he did not have a problem with the application being deemed complete providing that the outstanding items would be submitted.

Solicitor Abbott phoned Planner Hintz to ask his opinion.

Member Napolitan stated that there are a lot of outstanding issues. The Building and Use Plan should have been submitted.

Solicitor Abbott related that Planner Hintz said that although he had indicated to Attorney Sexton that some of waivers could be granted, he had suggested that the application be deemed incomplete and that a Staff meeting be set up to go over the items that need to be submitted.

Vice Chairman O'Hara stated that he agrees with Planner Hintz. He stated that it is difficult for the Board to make a decision when the Board Engineer had not provided a report for review. The Board relies heavily on the Professionals for guidance and it would be foolish to move ahead without all the reports. He stated that he would like to maintain the incompleteness of the application and for the applicant to set up a staff

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meeting with the Board's Professionals to clean up these items so the application can move ahead at the next meeting.

Attorney Sexton stated that in that regard the comments by Planner Hintz and Solicitor Abbott were totally appropriate and the applicant would be happy to set up the Staff Meeting. The applicant was however concerned with timing and would like to have the Staff Meeting quickly and be able to be heard for completeness and on the merits at the May meeting.

Solicitor Abbott stated that she would contact Attorney Sexton to arrange the Staff Meeting.

Attorney Sexton stated that he had published an advertisement. Solicitor Abbott stated that it would not be necessary to re-notice. She stated that at this time the waivers would be denied, the application is deemed incomplete. Once the application is deemed complete the Board will have 45 days to rule on the application.

Motion of Fratinardo, seconded by Stockhaus to deny the waivers, deem application PB#2006-06 incomplete.

Upon roll call the Board votes as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan.

NOES: None

ABSENT: Hamilton-Wood, Muchowski

Vice Chairman O'Hara called for application PB#2005-13 for Cream-O-Land, Inc. Applicant is requesting amended Preliminary and Final Major Site Plan approval, with bulk variances for property located at 529 Cedar Lane, Block 155.47, Lots 12.01 and 12.03.

Attorney Arren Goldman, for the applicant, stated that his client had received a permit in September of 2005 to install a fence. The applicant began installation of the fence. In November of 2005 they received a letter from the Florence Township Construction Office stating that the permit was issued erroneously and requesting that an application be submitted to the Planning Board. In the letter it was indicated that the applicant could submit old plans that were on hand from its original site plan application. The Construction Office gave the applicant a deadline of December 18, 2005 to submit the application. The best that could be done with the time they had to submit the application was to draw the fence on the old plans that they had.

The Board's Professional staff indicated that engineering drawings and a current survey would be required. Attorney Goldman stated that the applicant had requested a number

of waivers. He stated that this is a very simple application. The applicant wants to install a security fence and gate.

Attorney Goldman stated that the fence is installed but the gate is not. A week before the completion of the job the letter came from the Construction Office. Vice Chairman O'Hara asked if there was approval for the fence? Attorney Goldman stated that they did have the permit prior to installation of the fence. Councilman Fratinardo stated that an error was made by the Construction Department. The permit should never have been issued without the Board approval. The original site plan did not include a fence.

Vice Chairman O'Hara stated that the Board Planner's letter of April 7, 2006 recommends that the application be deemed incomplete. Attorney Goldman stated that they had also received a letter from the Board's Engineer stating that there were no issues from an engineering perspective. Engineer Traver said that their letter points out that the fence should be set back 75' from the property line. The fence is not that far back, it varies from 58' to 69', so a variance would be required for the location of the fence.

James Marx, Matrix Newworld, engineer for the applicant, was sworn in by Solicitor Abbott. The Board accepted Mr. Marx as a qualified expert. Mr. Marx stated that the fence is an auxiliary structure. It has no bearing on the building. The existing parking lot and light poles dictated the location of the fence. It was located at the farthest point possible, but this was not enough to meet the required setback. The distance from Cedar Lane does decrease due to the curve of the road.

Vice Chairman O'Hara asked if the site plan that they used to apply for the permit was included in the application packet. He asked how the new drawing differed from the original. Mr. Marx stated that based on the survey information the fence was located on the amended plan. He stated that the fence is an 8' high chain link fence with slats in it. The slats are there for security purposes and to prevent climbing.

Attorney Goldman stated that he had placed a notice in the paper but did not send out notices since this was a hearing for completeness only.

Vice Chairman O'Hara asked for the Board's opinion. Member Stockhaus stated that the applicant had a permit and acted in good faith. Councilman Fratinardo stated that the applicant was bound by the original approved site plan. Even though the Township made an error, the applicant also made an error by not coming before the Board for amended site plan. Vice Chairman O'Hara said that if he was given a permit by the Township why would he want to go to the Planning Board. He stated that it would have been the Construction Code Officials obligation. Councilman Fratinardo stated that the applicant had an obligation to abide by the site plan.

Mr. Marx again stated that this is not a structure, it is a fence. Councilman Fratinardo stated that it was brought to the attention of the Township that the fence with the slats

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changes the aesthetics of the site. He said that he doesn't have a problem with deeming the application complete.

Motion of Stockhaus, seconded by Ryan to grant the waivers and deem the application complete. The applicant will be required to send out notices and publish in the newspaper for the May 15, 2006 meeting.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan  
NOES: None  
ABSENT: Hamilton-Wood, Muchowski

Vice Chairman O'Hara asked if anyone was in the audience for the James and Maria Tomosi application. He stated that the applicant had not notified the Board office that they would not be in attendance, but had not shown up for the meeting.

Vice Chairman O'Hara called for application PB#2006-07 for John and Jane Lane. Applicant is requesting Minor Subdivision approval with bulk variances for property located at 1054 Potts Mill Road, Block 165.01, Lot 5.03.

Gary Backinoff, attorney for the applicant addressed the Board. He introduced Harry Sypniewski, land surveyor. Mr. Sypniewski is the son-in-law of the Lanes.

Attorney Backinoff stated that in regards to the completeness they have not submitted a formal environmental impact statement and have not submitted any stream encroachment plan. They did submit a study by an environmental scientist stating that there are no waivers on the subject property and no buffers on the adjacent properties. There are no streams on the property.

Solicitor Abbott stated that she did not have any concerns. There were a lot of items that the applicant had stated were not applicable to the application. She said that this was probably accurate. She stated that in her opinion, for a Minor Subdivision the Environmental Impact Statement and the stream encroachment plan were not necessary for completeness. The waivers can be granted. If during the course of the hearing there are environmental issues that are identified the applicant can be required to submit those items prior to a vote being taken on the application.

Motion of Napolitan, seconded by DeAngelis to deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan  
NOES: None

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ABSENT: Hamilton-Wood, Muchowski

Attorney Backinoff stated that the property was located at 1054 Potts Mill Road. Mr. and Mrs. Lane have lived at this address for the past 19 years and intend to remain at the house. The lot as it exists today is approximately 3 acres. There is a variance requested for lot width. This variance is requested to preserve a stand of maple trees on the lot. This provides a natural buffer.

Harry J. Sypniewski, Van Note-Harvey Associates, has 20 years experience in surveying. He is a senior survey technician. Mr. Sypniewski stated that the existing lot is a nice open lot that has trees that will make a buffer from the right of way. On the right hand side there is a row of pine trees, which will make a nice buffer for the driveway for the proposed lot.

Behind the site there is a recently constructed subdivision. The adjoining lots on the same side as the site are generally 1, 2 or 3 acre lots. This is the only open space lot on their side of the road.

Mr. Sypniewski stated that his firm prepared the wetland study. The environmental scientist reported that there are no wetlands on the site. He stated that the proposed lot would be 115' wide by 300' in length. The reason that the width doesn't conform is due to the fact that the applicant would like to preserve trees existing on the property. He stated that he did not think this would be a detriment. The proposed lots will be similar to other lots in the area.

Member Napolitan expressed concern over drainage problems in the general area. He asked Mr. Lane if there was a stream or creek behind his property.

John Lane was sworn in by Solicitor Abbott. Mr. Lane said that the stream Mr. Napolitan referred to was located a good distance away; approximately 500' to 600' from his property line. Mr. Lane stated that the lot had been perk tested and would be able to support a septic system.

Member Smith asked if Mr. Lane had any problems with his septic system. Mr. Lane replied that he did not have any problems, but he would like to have sewer hook up.

The Board and Mr. Lane had a discussion about the septic problems that occurred at the development across the street from his home.

Attorney Backinoff stated that any septic installation would be subject to further approval. Member Smith stated that the septic systems across the street had been approved by Burlington County and they still failed.



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Vice Chairman O'Hara asked for a review of the Engineer's letter. Engineer Traver referred to his report dated April 12, 2006. Item 1 states that should the plan be approved the legal descriptions of the parcels should be forwarded to his office for review prior to being filed. Item 3 there are 2 sump pump discharges from the existing house to the proposed lots. Where will this be discharged if the subdivision is approved? Item 4 states that the design and installation of the sewage disposal system is subject to the approval of the Burlington County Health Department.

Mr. Sypniewski stated that they are waiting until the new lot line is approved. The drainage lines will then be relocated so that they do not drain into the new lot.

Solicitor Abbott stated that she had no concerns. The only legal issues are the variances that are required for lot frontage and lot width. 150' is required by the ordinance. 115.45' is proposed and that applicant did give testimony that the reason for the variance is to preserve trees.

Vice Chairman O'Hara asked if there would be any side yard setback problems. Mr. Sypniewski stated that there should not be a problem with side yard setback.

Vice Chairman O'Hara stated that the application was only for the subdivision. Solicitor Abbott stated that any proposed residential improvement to the new lot would have to be approved through the Construction Code Department and the Burlington County Health Department.

Vice Chairman O'Hara opened the meeting for public comment. Hearing no one wishing to speak motion was made by Fratinardo, seconded by Stockhaus to close the public portion of the meeting.

Solicitor Abbott stated that if the application is granted it would be subject to the standard conditions as well as all the items set forth in the April 12, 2006 Engineer's report.

Motion of DeAngelis, seconded by Smith to approve application PB#2006-07.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan
NOES:	None
ABSENT:	Hamilton-Wood, Muchowski

The Board took a 5 minute recess. The Board returned to the regular order of business.

Vice Chairman O'Hara called for application PB#2006-09 for James Carnival, Jr. Applicant is requesting Minor Subdivision approval for property located at 650 Wallace Avenue. Block 112, Lots 1 & 2.

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James Carnival, Jr., 691 Wallace Avenue, Roebling was sworn in by Solicitor Abbott. Mr. Carnival stated that he currently owns the property at 650 Wallace Avenue. The first lot is 200' x 200'. The second lot is 25' wide x 200' deep. Mr. Carnival wants to change lot 1 with the existing home to measure 119' x 200' and lot 2 the empty lot to measure 106' x 200'. The empty lot would be used as a building lot.

Solicitor Abbott stated that there are no variances requested. This is a very simple application to enlarge a very undersized lot to a conforming lot. She stated that there are submission waivers but the Board doesn't need to address them separately.

Motion of Stockhaus, seconded by Napolitan to approve application PB#2006-09 with the waivers granted.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan

NOES: None

ABSENT: Hamilton-Wood, Muchowski

Mr. Carnival asked if he needed to wait to have the new deeds filled out. Solicitor Abbott stated that since this is a Minor Subdivision it is required that the deeds be filed with the County within 190 days. She stated that the new deeds should be submitted to her office and the Board Engineer for review and approval.

Mr. Carnival stated that his son would be building a house on the new lot. He asked if his son would have to come back before the Board with building plans. Solicitor Abbott stated that only a building permit would be required as long as the home fit into the setbacks. Mr. Carnival stated that since there were no curbs or sidewalks existing in the neighborhood could that requirement be waived for the new house.

Mr. Carnival showed a copy of the tax map where he had indicated where curbs and sidewalks currently existing. Solicitor Abbott stated that the Board had to back up. There is a requirement in the ordinance to install curbs, gutters and sidewalks. The Board would have to grant a design standard waiver.

Motion of Stockhaus, seconded to Napolitan to amend the previous approval to grant a design standard waiver for curbs and sidewalks with the condition the sidewalks and curbs would be installed if the Township requires it in the future. Solicitor Abbott stated that this language should be included in the deed.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, Stockhaus, DeAngelis, Ryan

NOES: None

ABSENT: Hamilton-Wood, Muchowski

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Vice Chairman O'Hara opened the meeting to public comment.

John Hiros, proprietor Bungs Tavern, stated that he had approached the Board on several occasions asking the Board to have Whitesell Corporation abide by the conditions of approval. Mr. Hiros was waiting for the Professionals to write a report and the Board to make a decision. Mr. Hiros had not heard anything from the Board and wondered if a decision had been made.

Vice Chairman O'Hara stated that the Mayor and Township Engineer Dan Guzzi had toured the site. Mayor Muchowski reported back to the Board at the March meeting. Vice Chairman O'Hara asked Board Clerk Erlston to supply Mr. Hiros with a copy of the minutes.

Mr. Hiros asked what the outcome was. Vice Chairman O'Hara stated that the consensus from Engineer Morris and Engineer Guzzi was that Whitesell had fulfilled their requirements. Mr. Hiros asked if the Board had taken formal action. Solicitor Abbott stated that the Board took notice of the report, but it wasn't up to the Board to take official action. Mr. Hiros stated that there were 4 items, were they completed or weren't they completed? If they weren't completed there must be some action taken by the Board to resolve this. Councilman Fratinardo said he believed that the report that they received stated that the requirements that Whitesell had were met. Mr. Hiros stated that obviously he disagreed with this.

The Board instructed Board Clerk Erlston to offer condolences to Engineer Frank Morris on the loss of his mother.

Motion of Napolitan, seconded by Stockhaus to enter into closed session to discuss a matter of litigation. Motion unanimously approved by all members present.

The Board returned to the regular order of business.

Motion of Fratinardo, seconded by DeAngelis to adjourn. Motion unanimously approved by all members present. Meeting adjourned at 9:16 P.M.

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John T. Smith, Secretary

JTS/ne